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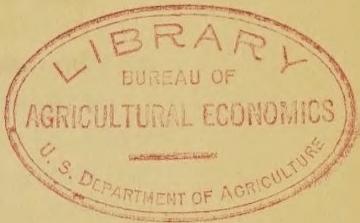
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UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION

1941 PARITY PAYMENT REGULATIONS



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Parity payments will be made to producers of wheat, cotton, corn (in the commercial corn-producing area), rice, and tobacco, in accordance with the provisions of these regulations and such modifications thereof as may hereafter be made.

#### Section 1 ELIGIBILITY FOR PAYMENT

In order to be eligible for a payment with respect to a commodity a person must have an interest as a landlord, tenant, or sharecropper in a farm (1) for which an acreage allotment has been determined for the commodity under the 1941 Agricultural Conservation Program, (2) on which the acreage planted to such commodity for harvest in 1941 is not in excess of such acreage allotment, (3) which is being operated in 1941, and (4) on which the county committee finds that the sum of the acreages of wheat, cotton, corn, rice, and tobacco does not exceed the sum of the allotments or permitted acreages for such crops under the 1941 Agricultural Conservation Program. Application for payment may be made prior to determination of performance under (4) above, in which case the applicant shall agree to refund the payment made if full performance is not rendered.

The payment which would otherwise be made to any person under these regulations shall be withheld or required to be refunded (1) if the county committee determines such person's aggregate share of the 1941 acreage of wheat, cotton, corn, rice and tobacco on all farms in the county exceeds his aggregate share of the allotments or permitted acreages for such commodities under the 1941 Agricultural Conservation Program on such farms, or (2) if the State committee finds that such person's aggregate share of the 1941 acreage of wheat, cotton, corn, rice and tobacco on all farms wherever situated, in which he has an interest exceeds his aggregate share of the allotments or permitted acreages for such commodities under the 1941 Agricultural Conservation Program for such farms to such an extent as to offset substantially the performance on the farm with respect to which payment might otherwise be made.

#### Sec. 2 MEASURE OF PAYMENT

The payment for a farm with respect to any commodity shall be measured by the product of the normal yield per acre and the acreage allotment determined for that commodity for such farm under the 1941 Agricultural Conservation Program.

#### Sec. 3. RATE OF PAYMENT

The rate of payment with respect to each commodity shall be determined by the Secretary within the limits of

available funds, in accordance with the provisions of section 303 of the Agricultural Adjustment Act of 1938.

#### Sec. 4 DIVISION OF PAYMENT

The payment for a farm with respect to any commodity shall be divided among the landlords, tenants, and sharecroppers in the same proportion (as indicated by their acreage shares expressed in terms of either planted acreages or percentages) that such persons are determined by the county committee to be entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such commodity planted on the farm for harvest in 1941. Such determination shall be made at the time the county committee approves the application for payment: Provided, That if such commodity is not planted for harvest on the farm in 1941 or the acreage of such commodity is substantially reduced by flood, hail, drought, insects, or plant bed diseases payment with respect to such commodity shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such commodity if the entire acreage in the acreage allotment for such commodity had been planted and harvested in 1941: Provided further: That in cases where two or more separately-owned tracts of land comprise a farm, in any area designated by the Agricultural Adjustment Administration as an area in which a substantial proportion of the farms comprise two or more separately-owned tracts of land, and all persons who are entitled to receive a share of the proceeds of any such commodity agree, as shown by their signatures on the application for payment or a separate statement, the share of each such person in the payment with respect to such commodity on the farm shall be that share which fairly reflects the contribution of each such person to performance with respect to such commodity and also results substantially in a division of such payment among landlords, tenants, and sharecroppers as classes as each such class shares in the commodity or proceeds thereof with respect to which the payment is being made: Provided further, That if for any reason the total acreage of cotton on the farm in 1941 is less than 80 percent of the cotton acreage allotment established for the farm and the acreage of cotton which is or would have been planted for harvest on the farm in 1941 by any tenant or sharecropper is not substantially proportionate to the acreage of cotton which such tenant or sharecropper would normally plant thereon, and all the persons who are or would have been entitled to receive a share of the proceeds of cotton agree, as shown by their signatures on the application for payment or a separate statement, the payment computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that

the county committee determines such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton acreage allotment had been planted and harvested in 1941, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1941.

#### Sec. 5 GENERAL PROVISIONS RELATING TO PAYMENTS

(a) Payments restricted to effectuation of purposes of the program. All or any part of any payment which would otherwise be made to any person under these regulations may be withheld or required to be refunded if the county committee finds that (1) he has overplanted or caused the overplanting of the acreage allotment which was or could have been established for a separately-owned tract of land included in a combination farm and refuses to cooperate with other producers having an interest in the farm in making equitable adjustments with respect thereto, or (2) he has adopted any practice which the Secretary determines tends to defeat any of the purposes for which parity payments are made hereunder.

Practices which tend to defeat the purposes of the 1941 program and the amount of the payment which shall be withheld or required to be refunded in each such case shall include, but shall not be limited to, the following cases:

<u>Practice</u>	<u>Amount to be withheld or refunded</u>
(1) A landlord or operator, including the landlord of a cash or standing or fixed rent tenant, either by oral or written lease or by an oral or written agreement supplementary to such lease, requires by coercion or induces by subterfuge his tenant or sharecropper to agree to pay to such landlord or operator all or a portion of any government payment which the tenant or sharecropper has received or is to receive for participating in the 1941 program.	The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.
(2) A landlord or operator requires that his tenant or sharecropper pay, in addition to the customary rental, a sum of money or	The entire payment which has been or otherwise would be made to the landlord or operator with respect to the farm.

any thing or service of value equivalent to all or a portion of the government payment which may be, is being, or has been earned by the tenant or sharecropper.

- (3) A landlord or operator knowingly omits the name of one or more of his landlords, tenants, or sharecroppers on an application for payment form or other official document required to be filed in connection with the 1941 program, or knowingly shows incorrectly his or their acreage shares of a crop, or otherwise falsifies the record required therein to be submitted in respect to a particular farm, thereby intentionally depriving or attempting to deprive one or more landlords, tenants, or sharecroppers of payments to which they are entitled.
- (4) A person complies with the provisions of the program on a farm or farms operated by him as an individual, but substantially offsets such performance by the farming operations of a partnership, association, estate, corporation, trust or other business enterprise in which he has a financial interest and the policies of which he is in a position to control.
- (5) A partnership, association, estate, corporation, trust, or other business enterprise (in which a particular person is interested) carried on its
- The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.
- All the payments which have been or otherwise would be made to a person who adopts such practice.
- Such person's payments shall be forfeited and the payments to the partnership, association, estate, corporation, trust, or other business enterprise shall

operations so as to qualify for payment, but one of the persons who is in position to control the operations or policies of such partnership, association, estate, corporation, trust, or other business enterprise substantially offsets such performance by such person's individual operations.

- (6) A person rents land for cash, standing, or fixed rent to another person who he knows or has good reason to believe will offset such person's performance by substantially overplanting the acreage allotment for the farm which includes such rented land.

- (7) A person participates in the production of a crop on a farm other than a farm in which he admits having an interest. (A person shall be considered to be participating in the production of a crop if the committee finds that he furnished machinery, or workstock, or financial assistance for the production of such crop and that he has a financial interest in such crop).

- (8) A tenant in settling his obligations under a rental contract or agreement, or a contract or an agreement supplemental or collateral thereto, pays or renders cash, standing rent, or fixed rent, or a share of the crop, or any service or thing of value, aggregating in value in excess of the rental customarily paid in the community for similar

be reduced by the amount which the State committee finds or estimates is commensurate with his interest in such enterprise.

The entire payment which has been or would otherwise be made to such person in the event no payment would be made if the person were entitled to receive all the crops produced on the rented land.

The entire payment which has been or would otherwise be made to such person in the event no payment would be made if the person were entitled to receive that part of the crops produced on such farm which the committee determines was such person's interest in the crops produced.

The whole of any payment with respect to the farm which has been or otherwise would be made to such tenant. There shall be withheld from or required to be refunded by the landlord the whole of the payment with respect to all of his farms under the program involved: Provided, however, where a tenant is renting for a share of

land and use, thereby diverting to the landlord the whole or any part of any government payment which the tenant is entitled to receive. The application of this rule shall be subject to the approval of the Regional Director.

the crop only and the tenant's share is 60 percent or less, only the landlord's payments shall be withheld or recovered.

(9) A landlord or operator forces or causes, by coercion, subterfuge, or in any manner whatsoever, a tenant or sharecropper to abandon a crop prior to harvest for the purpose of obtaining the share of the payment that would otherwise be made to the tenant or sharecropper with respect to such crop.

The entire payment which has been or would otherwise be made to such landlord or operator with respect to the farm.

(10) A person misuses or participates in the misuse of a cotton marketing card or fails to file any report required by or under the regulations pertaining to cotton marketing quotas for the 1940-41 or 1941-42 marketing year and such misuse or failure to file such report results in erroneous or incomplete records pertaining to any farm in connection with cotton marketing quotas and fails to complete or correct such records.

The entire payment which has been or would otherwise be made to such person with respect to the farm.

All determinations in connection with these practices shall be made by the county committee, with the approval of the State committee, or by the State committee.

(b) Payments made without regard to claims. Any payment or share of payment shall be made without regard to questions of title under State law, without deduction on account of assignments or claims for advances (except advances

for crop insurance premiums for the farm and indebtedness to the United States subject to setoff under orders issued by the Secretary), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(c) Changes in leasing and cropping agreements, reduction in number of tenants, and other devices. If on any farm in 1941 any change of the arrangements which existed on the farm in 1940 is made between the landlord or operator and the tenants or sharecroppers and such change would cause the landlord or operator to receive a greater proportion of the payments than he would otherwise receive, payments to the landlord or operator shall not be greater than the amount he would have received if the arrangements which existed on the farm in 1940 had been continued in 1941, unless the county committee certifies that the change is justified and approves such change.

If on any farm the number of sharecroppers or share tenants in 1941 is less than the average number on the farm during the three years 1938 to 1940 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments shall not be greater than the amount that would otherwise be paid, unless the county committee certifies that the reduction is justified and approves such reduction.

If the State committee finds that any person who files an application for payment has employed any other scheme or device (including coercion, fraud, or misrepresentation) the effect of which would be or has been to deprive any other person of any payment under these regulations to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the program.

#### Sec. 6 DEDUCTION FOR ASSOCIATION EXPENSES

No part of the parity payment computed for any farm shall be deducted for county association expenses incurred or to be incurred in connection with 1941 parity payments.

#### Sec. 7 APPLICATION FOR PAYMENT

Payment will be made only upon application submitted through the county office on or before a date fixed by the Regional Director, but not later than March 31, 1941. The

Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm, (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the Regional Director. At least two weeks notice to the public shall be given of the expiration of a time limit for filing prescribed forms, and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

#### Sec. 8 APPEALS

Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) Eligibility to file an application for payment; (b) the division of payment; or (c) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the submission of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Regional Director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

#### Sec. 9 FORMS AND INSTRUCTIONS

The Agricultural Adjustment Administration shall prescribe such forms and issue such instructions as may be necessary to carry out these regulations.

#### Sec. 10 PERFORMANCE OF DUTIES OF STATE AND COUNTY COMMITTEES IN HAWAII AND PUERTO RICO

In the event State and county agricultural conservation committees have not been established in the Territory of Hawaii or in Puerto Rico, the Officer in Charge of the office of the Agricultural Adjustment Administration for the Territory of Hawaii, or for Puerto Rico, as the case may be, shall perform the duties of both the State and county committees as set forth in these regulations.

#### Sec. 11 DEFINITIONS

As used herein and in all forms and documents relating to 1941 parity payments for producers of wheat, cotton, corn (in the commercial corn-producing area), rice, or tobacco, unless the context or subject-matter otherwise requires, the terms:

(a) Secretary, Regional Director, State committee, county committee, person, landlord, tenant, sharecropper, commercial corn-producing area, acreage planted to corn, acreage planted to wheat, and acreage planted to cotton shall have the same meanings as are assigned to them in the 1941 Agricultural Conservation Program Bulletin and supplements thereto.

(b) Farm means the area of land considered as a farm for the purposes of the 1941 Agricultural Conservation Program.

(c) Parity and marketing year shall have the same meanings as those assigned to them in the Agricultural Adjustment Act of 1938.

#### Sec. 12 AUTHORITY

These regulations are approved pursuant to the authority vested in the Secretary of Agriculture by the item entitled "Parity payments" contained in the Department of Agriculture Appropriation Act, 1941 (Public, No. 658, 76th Congress, approved June 25, 1940), and pursuant to the provisions of

section 303 of the Agricultural Adjustment Act of 1938, approved February 16, 1938 (Public Law No. 430, 75th Congress, 3d Session; 52 Stat. 45, 7 U.S.C. 1303.)

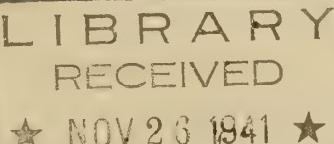
Done at Washington, D. C.,  
this 13th day of September, 1940.  
Witness my hand and the seal of the  
Department of Agriculture.

(SEAL)

/s/ Claude R. Wickard  
Secretary of Agriculture



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P-1941

Issued August 20, 1941.

U. S. Department of Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION  
WASHINGTON, D. C.

## 1941 PARITY PAYMENT REGULATIONS

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Parity payments will be made to producers of wheat, cotton, corn (in the commercial corn-producing area), rice, and tobacco, in accordance with the provisions of these regulations and such modifications thereof as may hereafter be made.

### SECTION 1.—ELIGIBILITY FOR PAYMENT

An application for parity payment with respect to a commodity may be made by a landlord, tenant, or sharecropper who has an interest in a farm (1) for which an acreage allotment has been determined for the commodity under the 1941 Agricultural Conservation Program, (2) which is being operated in 1941.

### SEC. 2.—RATE OF PAYMENT AND DEDUCTION

#### (a) Cotton:

- (i) **Payment.**—1.38 cents per pound of the normal yield per acre of cotton for the farm for each acre in the cotton allotment.  
(ii) **Deduction.**—13.8 cents per pound of the normal yield of cotton for the farm for each acre planted to cotton in excess of its cotton acreage allotment or, in the case of a farm on which cotton is planted in 1941 and on which cotton was not planted in 1938, 1939, or 1940, for each acre in excess of its permitted acreage.

**(b) Corn:**

(i) **Payment.**—On corn allotment farms, 5.0 cents per bushel of the normal yield per acre of corn for the farm for each acre in the corn allotment.

(ii) **Deduction.**—On corn allotment farms, 50.0 cents per bushel of the normal yield for the farm for each acre planted to corn in excess of the corn acreage allotment but not to exceed the maximum corn parity payment for the farm except that 50 cents per bushel of the normal yield for the farm for each acre planted to corn in excess of the usual acreage of corn shall be deducted from any other payments computed for the farm, and on non-corn allotment farms, 50 cents per bushel of the normal yield for the farm for each acre planted to corn in excess of the larger of (a) 10 acres or (b) the usual acreage of corn.

**(c) Wheat:**

(i) **Payment.**—(i) On wheat allotment farms and (ii) non-wheat allotment farms on which the acreage planted to wheat on the farm does not exceed its wheat acreage allotment, 10.0 cents per bushel of the normal yield per acre of wheat for each acre in the wheat acreage allotment.

(ii) **Deduction.**—On wheat allotment farms, 1 dollar per bushel of the normal yield for the farm for each acre planted to wheat in excess of its wheat acreage allotment and on non-wheat allotment farms, 1 dollar per bushel of the normal yield for the farm for each acre of wheat harvested for grain or for any other purpose after reaching maturity in excess of its wheat acreage allotment or 10 acres, whichever is larger, in Area A; in excess of the usual acreage of wheat for the farm or 10 acres, whichever is larger, in Area B in the Western Region and in Area C; in excess of the largest of (a) the usual acreage of wheat for the farm, (b) 10 acres, or (c) if no wheat is marketed from the farm, three acres per family on the farm in Area B in the Southern and East Central Regions.

**(d) Rice:**

(i) **Payment.**—20.0 cents per hundredweight of the normal yield per acre of rice for the farm for each acre in the rice allotment.

(ii) **Deduction.**—2 dollars per hundredweight of the normal yield for the farm for each acre planted to rice in excess of its rice acreage allotment. *Provided*, That an acreage not in excess of the larger of three acres or three percent of the allotment, unintentionally planted in excess of the allotment, shall not be considered as planted to rice if disposed of in a manner and within the time specified by the regional director; *Provided further*, That all or any part of any acreage totally destroyed by flood, insects, or any other cause beyond the control of the operator, which is later replaced by other rice acreage planted on the farm, may be considered as not having been planted.

**(e) Tobacco:**

(i) **Payment.**—The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre in its tobacco acreage allotment for each acre of the following kinds of tobacco—

Flue-cured	0.6 cents
Fire-cured	.2 cents
Cigar (42-44, 51-55)	.7 cents

(ii) **Deduction.**—The following number of cents per pound of the normal yield per acre of tobacco for the farm for each acre of tobacco harvested in excess of the applicable tobacco acreage:

Flue-cured	6.0 cents
Fire-cured	2.0 cents
Cigar (42-44, 51-55)	7.0 cents

**SEC. 3.—PRORATION OF NET DEDUCTIONS**

If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions computed for all persons on such farm, the sum of the net deductions computed for all persons on such farm shall be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed

net payments. If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.

#### **SEC. 4.—DEDUCTIONS INCURRED ON OTHER FARMS**

(a) If the sum of the net deductions computed under the provisions of Sec. 2 hereof for any person on a farm exceeds the sum of the net payments computed for such person on such farm, the amount by which such deduction exceeds such payments shall be deducted from such person's share of the payment which would otherwise be made to him with respect to any other farm or farms in the county.

(b) If the sum of the net deductions computed under the provisions of Sec 2 hereof for any person in a county exceeds the sum of the net payments computed for such person in a county, the amount of such excess deduction shall be deducted from the payments computed for such persons with respect to any other farm or farms in the State if the State committee finds that the crops grown and practices adopted on the farm or farms, with respect to which such deductions are computed, substantially offset the contribution to the program made on such other farm or farms.

#### **SEC. 5.—AGGREGATE PERFORMANCE**

Notwithstanding any other provisions of these regulations, the payment to any person whose aggregate share of the 1941 acreage of wheat, cotton, corn, rice, and tobacco on all farms in the county does not exceed his aggregate share of the allotments or permitted acreages under the 1941 Agricultural Conservation Program on such farms shall not be less than the sum of his shares of the payments computed under Sec. 2 hereof, with respect to each such allotment on each farm on which (1) the acreage planted to the commodity does not exceed the acreage allotment determined for the commodity under the 1941 Agricultural Conservation Program and (2) the sum of the acreages planted to corn, cotton, wheat, rice, and tobacco does not exceed the sum of the allotments or permitted acreages of such crops under the 1941 Agricultural Conservation Program, unless the State committee finds that such person's aggregate share of the 1941 acreages of wheat, cotton, corn, rice, and tobacco on all farms in which he has an interest exceeds his aggregate share of the allotments or permitted acreages for such commodities under the 1941 Agricultural Conservation Program for such farms to such an extent as to offset substantially the performance on the farm or farms with respect to which payment might otherwise be made.

#### **SEC. 6.—DIVISION OF PAYMENT**

The payment for a farm with respect to any commodity shall be divided among the landlords, tenants, and share croppers in the same proportion (as indicated by their acreage shares expressed in terms of

either planted acreages or percentages) that such persons are determined by the county committee to be entitled, as of the time of harvest, to share in the proceeds (other than a fixed commodity payment) of such commodity planted on the farm for harvest in 1941. Such determination shall be made at the time the county committee approves the application for payment: *Provided*, That if such commodity is not planted for harvest on the farm in 1941 or the acreage of such commodity is substantially reduced by flood, hail, drought, insects, or plant bed diseases payment with respect to such commodity shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines such persons would have been entitled to share in the proceeds of such commodity if the entire acreage in the acreage allotment for such commodity had been planted and harvested in 1941: *Provided further*: That in cases where two or more separately-owned tracts of land comprise a farm, in any area designated by the Agricultural Adjustment Administration as an area in which a substantial proportion of the farms comprise two or more separately-owned tracts of land, and all persons who are entitled to receive a share of the proceeds of any such commodity agree, as shown by their signatures on the application for payment or a separate statement, the share of each such person in the payment with respect to such commodity on the farm shall be that share which fairly reflects the contribution of each such person to performance with respect to such commodity and also results substantially in a division of such payment among landlords, tenants, and sharecroppers as classes as each such class shares in the commodity or proceeds thereof with respect to which the payment is being made: *Provided further*, That if for any reason the total acreage of cotton on a farm in 1941 is less than 80 percent of the cotton allotment for the farm and the acreage of cotton planted or which would have been planted thereon by any producer in 1941 is a substantially smaller proportionate share of the acreage planted to cotton thereon than such producer normally plants thereon and all the persons who are or would have been entitled to receive a share of the proceeds of the cotton agree, as shown by their signatures on the application for payment or a separate statement, the net payment computed for cotton for the farm shall be divided among the landlords, tenants, and sharecroppers in the proportion that the county committee determines that such persons would have been entitled to share in the proceeds of the cotton crop if the entire acreage in the cotton allotment had been planted and harvested in 1941, but in no event shall the acreage share so determined for any person be less than such person's acreage share of the acreage planted to cotton on the farm in 1941.

#### SEC. 7.—GENERAL PROVISIONS RELATING TO PAYMENTS

- (a) **Payments restricted to effectuation of purposes of the program.**—All or any part of any payment which would otherwise be made to any person under these regulations may be withheld or required to be refunded if the county committee finds that (1) he has overplanted or caused the overplanting of the acreage allotment which was or could have been established for a separately-owned tract of land included in a combination farm and refuses to cooperate

with other producers having an interest in the farm in making equitable adjustments with respect thereto, or (2) he had adopted any practice which the Secretary determines tends to defeat any of the purposes for which parity payments are made hereunder.

Practices which tend to defeat the purposes of the 1941 program and the amount of the payment which shall be withheld or required to be refunded in each such case shall include, but shall not be limited to, the following cases:

<i>Practice</i>	<i>Amount to be withheld or refunded</i>
(1) A landlord or operator, including the landlord of a cash or standing or fixed rent tenant, either by oral or written lease or by an oral or written agreement supplementary to such lease, requires by coercion or induces by subterfuge his tenant or sharecropper to agree to pay to such landlord or operator all or a portion of any government payment which the tenant or sharecropper has received or is to receive for participating in the 1941 program.	The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.
(2) A landlord or operator requires that his tenant or sharecropper pay, in addition to the customary rental, a sum of money or any thing or service of value equivalent to all or a portion of the government payment which may be, is being, or has been earned by the tenant or sharecropper.	The entire payment which has been or otherwise would be made to the landlord or operator with respect to the farm.
(3) A landlord or operator knowingly omits the name of one or more of his landlords, tenants, or sharecroppers on an application for payment form or other official document required to be filed in connection with the 1941 program, or knowingly shows incorrectly his or their acreage shares of a crop, or otherwise falsifies the record required therein to be submitted in respect to a particular farm, thereby intentionally depriving or attempting to deprive one or more landlords, tenants, or sharecroppers of payments to which they are entitled.	The entire payment which has been or otherwise would be made to such landlord or operator with respect to the farm.
(4) A person complies with the provisions of the program on a farm or farms operated by him as an individual, but substantially offsets such performance by the farming operations of a partnership, association, estate, corporation, trust or other business enterprise in which he has a financial interest and the policies of which he is in a position to control.	All the payments which have been or otherwise would be made to a person who adopts such practice.
(5) A partnership, association, estate, corporation, trust, or other business enterprise (in which a particular person is interested) carried on its operations so as to qualify for payment, but one of the persons who is in position to control the operations or policies of such partnership, association, estate, corporation, trust, or other business enterprise substantially offsets such performance by such person's individual operations.	Such person's payments shall be forfeited and the payments to the partnership, association, estate, corporation, trust, or other business enterprise shall be reduced by the amount which the State committee finds or estimates is commensurate with his interest in such enterprise.

*Practice*—Continued*Amount to be withheld or refunded*—Continued

- (6) A person rents land for cash, standing, or fixed rent to another person who he knows or has good reason to believe will offset such person's performance by substantially overplanting the acreage allotment for the farm which includes such rented land.
- (7) A person participates in the production of a crop on a farm other than a farm in which he admits having an interest. (A person shall be considered to be participating in the production of a crop if the committee finds that he furnished machinery, or workstock, or financial assistance for the production of such crop and that he has a financial interest in such crop).
- (8) A tenant in settling his obligations under a rental contract or agreement, or a contract or an agreement supplemental or collateral thereto, pays or renders cash, standing rent, or fixed rent, or a share of the crop, or any service or thing of value, aggregating in value in excess of the rental customarily paid in the community for similar land and use, thereby diverting to the landlord the whole or any part of any government payment which the tenant is entitled to receive. The application of this rule shall be subject to the approval of the Regional Director.
- (9) A landlord or operator forces or causes, by coercion, subterfuge, or in any manner whatsoever, a tenant or sharecropper to abandon a crop prior to harvest for the purpose of obtaining the share of the payment that would otherwise be made to the tenant or sharecropper with respect to such crop.
- (10) A person misuses or participates in the misuse of a cotton marketing card or fails to file any report required by or under the regulations pertaining to cotton marketing quotas for the 1940-41 or 1941-42 marketing year and such misuse or failure to file such report results in erroneous or incomplete records pertaining to any farm in connection with cotton marketing quotas and fails to complete or correct such records.

All determinations in connection with these practices shall be made by the county committee, with the approval of the State committee, or by the State committee.

(b) **Payments made without regard to claims.**—Any payment or share of payment shall be made without regard to questions of title under State law, without deduction on account of assignments or

The entire payment which has been or would otherwise be made to such person in the event no payment would be made if the person were entitled to receive all the crops produced on the rented land.

The entire payment which has been or would otherwise be made to such person in the event no payment would be made if the person were entitled to receive that part of the crops produced on such farm which the committee determines was such person's interest in the crops produced.

The whole of any payment with respect to the farm which has been or otherwise would be made to such tenant. There shall be withheld from or required to be refunded by the landlord the whole of the payment with respect to all of his farms under the program involved: *Provided*, however, where a tenant is renting for a share of the crop only and the tenant's share is 60 percent or less, only the landlord's payments shall be withheld or recovered.

The entire payment which has been or would otherwise be made to such landlord or operator with respect to the farm.

The entire payment which has been or would otherwise be made to such person with respect to the farm.

claims for advances (except advances for crop insurance premiums for the farm and indebtedness to the United States subject to setoff under orders issued by the Secretary), and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(c) **Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.**—If on any farm in 1941 any change of the arrangements which existed on the farm in 1940 is made between the landlord or operator and the tenants or sharecroppers and such change would cause the landlord or operator to receive a greater proportion of the payments than he would otherwise receive, payments to the landlord or operator shall not be greater than the amount he would have received if the arrangements which existed on the farm in 1940 had been continued in 1941, unless the county committee certifies that the change is justified and approves such change.

If on any farm the number of sharecroppers or share tenants in 1941 is less than the average number on the farm during the three years 1938 to 1940 and such reduction would increase the payments that would otherwise be made to the landlord or operator, such payments shall not be greater than the amount that would otherwise be paid, unless the county committee certifies that the reduction is justified and approves such reduction.

If the State committee finds that any person who files an application for payment has employed any other scheme or device (including coercion, fraud, or misrepresentation) the effect of which would be or has been to deprive any other person of any payment under these regulations to which such person would normally be entitled, the Secretary may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require such person to refund, in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the program.

#### **SEC. 8.—DEDUCTION FOR ASSOCIATION EXPENSES**

No part of the parity payment computed for any farm shall be deducted for county association expenses incurred or to be incurred in connection with 1941 parity payments.

#### **SEC. 9.—APPLICATION FOR PAYMENT**

Payment will be made only upon application submitted through the county office on or before a date fixed by the Regional Director, but not later than March 31, 1941. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm, (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the Regional Director. At least two weeks notice to the public shall be given of the expiration of a time limit for filing prescribed forms, and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the

period prescribed. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

#### **SEC. 10.—APPEALS**

Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any of the following matters respecting any farm in the operation of which he has an interest as landlord, tenant, or sharecropper: (a) Eligibility to file an application for payment; (b) the division of payment; or (c) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify such person of its decision in writing within 30 days after the submission of the appeal. If such person is dissatisfied with the decision of the State committee, he may, within 15 days after such decision is forwarded to or made available to him, request the Regional Director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each person known to it who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, may be adversely affected by such decision. Only a person who shows that he is adversely affected by the outcome of any request for reconsideration or appeal may appeal the matter further, but any person who, as landlord, tenant, or sharecropper having an interest in the operation of the farm, would be affected by the decision to be made on any reconsideration by the county committee or subsequent appeal shall be given a full and fair hearing if he appears when the hearing thereon is held.

#### **SEC. 11.—FORMS AND INSTRUCTIONS**

The Agricultural Adjustment Administration shall prescribe such forms and issue such instructions as may be necessary to carry out these regulations.

#### **SEC. 12.—PERFORMANCE OF DUTIES OF STATE AND COUNTY COMMITTEES IN HAWAII AND PUERTO RICO**

In the event State and county agricultural conservation committees have not been established in the Territory of Hawaii or in Puerto Rico, the Officer in Charge of the office of the Agricultural Adjustment Administration for the Territory of Hawaii, or for Puerto Rico, as the case may be, shall perform the duties of both the State and county committees as set forth in these regulations.

## SEC. 13.—DEFINITIONS

As used herein and in all forms and documents relating to 1941 parity payments for producers of wheat, cotton, corn (in the commercial corn-producing area), rice, or tobacco, unless the context or subject-matter otherwise requires, the terms:

(a) **Secretary, Regional Director, State committee, county committee, person, landlord, tenant, sharecropper, commercial corn-producing area, acreage planted to corn, acreage planted to wheat, and acreage planted to cotton** shall have the same meanings as are assigned to them in the 1941 Agricultural Conservation Program Bulletin and supplements thereto.

(b) **Farm** means the area of land considered as a farm for the purposes of the 1941 Agricultural Conservation Program.

(c) **Parity** and **marketing year** shall have the same meanings as those assigned to them in the Agricultural Adjustment Act of 1938.

(d) **Allotment** means the allotment established for the farm in accordance with the 1941 Agricultural Conservation Program Bulletin.

(e) **Usual acreage** means the usual acreage determined for a farm under the 1941 Agricultural Conservation Program Bulletin.

(f) **Normal yields** means the normal yields for a commodity determined in accordance with the 1941 Agricultural Conservation Program Bulletin.

(g) **Permitted acreages:**

(i) **Permitted acreage of cotton** means the permitted acreage of cotton as set forth in the 1941 Agricultural Conservation Program Bulletin.

(ii) **Permitted acreage of corn** means the smaller of (1) the acreage planted to corn or (2) the usual acreage of corn, except that, for non-corn allotment farms having corn acreage allotments of  $7\frac{1}{2}$  acres or less, the permitted acreage shall be the smaller of (1) the acreage planted to corn or (2) 10 acres.

(iii) **Permitted acreage of wheat** means—

**AREA A.**—Non-wheat allotment farm on which an allotment of more than 10 acres is determined, the permitted acreage will be the smaller of the allotment or the acreage of wheat harvested on the farm for grain or for any other purpose. If an allotment of less than 10 acres is determined, the permitted acreage will be the smaller of 10 acres or the acreage of wheat harvested on the farm for grain or for any other purpose after reaching maturity;

**AREAS B AND C.**—Non-wheat allotment farm for which a usual acreage of more than 10 acres is determined, the permitted acreage will be the smaller of the usual acreage or the acreage of wheat harvested on the farm for grain or for any other purpose after reaching maturity. If no usual acreage is determined or a usual of less than 10 acres is determined for a farm, the permitted acreage shall be the smaller of 10 acres or the acres harvested on the farm for grain or for any other purpose after reaching maturity, provided that for farms in Area B of the Southern and East Central Regions, on which 3 acres per family on the farm exceeds the usual acreage and from which no wheat was marketed, the permitted acreage shall be the smaller of 3 acres per family on the farm or the acreage harvested.

## SEC. 14.—AUTHORITY

These regulations are approved pursuant to the authority vested in the Secretary of Agriculture by the item entitled "Parity payments" contained in the Department of Agriculture Appropriation

Act, 1941 (Public, No. 658, 76th Congress, approved June 25, 1940), and pursuant to the provisions of section 303 of the Agricultural Adjustment Act of 1938, approved February 16, 1938 (Public Law No. 430, 75th Congress, 3d Session; 52 Stat. 45, 7 U.S.C. 1303.)

Done at Washington, D. C., this 20th day of August, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

GROVER B. HILL,  
*Assistant Secretary of Agriculture.*

NOTE: The above attestation is of Supplement No. 2 to the 1941 Parity Payment Regulations. Similar attestations appeared on the 1941 Parity Payment Regulations, effective September 13, 1940, and on supplements 1 and 3 effective April 16, 1941, and August 16, 1941, respectively.

These regulations contain all the provisions of the 1941 program effective as of August 20, 1941.

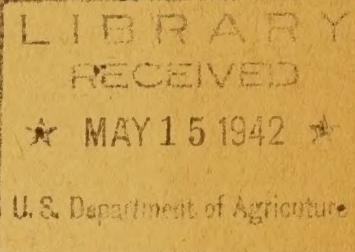




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P-1941-5

Issued March 28, 1942

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL CONSERVATION AND ADJUSTMENT ADMINISTRATION  
AGRICULTURAL ADJUSTMENT AGENCY



1941 Parity Payment Regulations

Supplement No. 5

The 1941 Parity Payment Regulations, as amended, are further amended as follows:

1. Section 5 is amended to read as follows:

Section 5 Aggregate Performance

Notwithstanding any other provisions of these regulations, the payment to any person whose aggregate share of the 1941 acreage of wheat, cotton, corn, rice, and tobacco on all farms in the county does not exceed his aggregate share of the allotments or permitted acreages under the 1941 Agricultural Conservation Program on such farms, or, in areas designated by the Agricultural Adjustment Agency of the Agricultural Conservation and Adjustment Administration as areas containing a substantial number of combination farms, where the sum of the acres of such commodities on all the farms in the county in which he has an interest does not exceed the sum of the permitted acreages or allotments on all such farms, shall not be less than the sum of his shares of the payments computed under Section 2 hereof, with respect to each such allotment on each farm on which (1) the acreage of a commodity on the farm does not exceed the acreage allotment determined for the commodity under the 1941 Agricultural Conservation Program and (2) the sum of the acreages of corn, cotton, wheat, rice, and tobacco does not exceed the sum of the allotments or permitted acreages of such crops under the 1941 Agricultural Conservation Program, unless the State committee finds that such person's aggregate share of the 1941 acreages of wheat, cotton, corn, rice, and tobacco on all farms in which he has an interest exceeds his aggregate share of the allotments or permitted acreages for such commodities under the 1941 Agricultural Conservation Program for such farms to such an extent as to offset substantially the performance on the farm or farms with respect to which payment might otherwise be made.

2. Section 6 is amended by adding the following sentence at the end thereof:

Section 6 Division of Payment In cases where the landlords, tenants, or sharecroppers have lost their interests in any commodity after planting but prior to harvest thereof, by reason of the acquisition of title to, or lease of, their farms for use in the national defense program, the net payment computed with respect to such commodity shall be divided among such

persons in the same proportion that the county committee determines that such persons would have been entitled, as of the time of harvest, to share in the proceeds of such commodity except for such acquisition of title or lease.

(SEAL)

Done at Washington, D. C.,  
this 28th day of March 1942.

Witness my hand and the seal of  
the Department of Agriculture.

/ S/ Grover B. Hill  
Assistant Secretary of Agriculture

1.42

P-1941-6

Issued March 28, 1942

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Reserve

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL CONSERVATION AND ADJUSTMENT ADMINISTRATION  
AGRICULTURAL ADJUSTMENT AGENCY

1941 Parity Payment Regulations

Supplement No. 6

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U. S. Department of Agriculture

The 1941 Parity Payment Regulations, as amended, are further amended as follows:

Section 9 is amended to read as follows:

Section 9 Application for Payment

Payment will be made only upon application submitted through the county office on or before a date fixed by the Regional Director but not later than April 30, 1942, except (1) where farm applications are used the timely filing of an application by one person on a farm shall constitute a timely filing on behalf of all persons on that farm, and (2) an application for payment may be accepted if the State committee or its designated representative determines, in accordance with instructions issued by the Regional Director with the approval of the Administrator, that the failure to file the timely application was not due to the fault of the applicant. Applications filed under exceptions (1) and (2) above must be filed before expiration of the period for obligating the appropriation (June 30, 1943). The Secretary reserves the right (1) to withhold payment from any applicant who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the Regional Director.

At least two weeks notice to the public shall be given of the expiration of a time limit for filing prescribed forms, and any time limit fixed shall be such as affords

a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

(SEAL)

Done at Washington, D. C.,  
this 28th day of March 1942.  
Witness my hand and the seal of  
the Department of Agriculture.

/ s/ Grover B. Hill  
Assistant Secretary of Agriculture